IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.2649 OF 2006

Smt. Sangeeta Chandrakant Kokitkar & Ors. ...Appellants
Vs.
Subhash Krishna Bandiwadekar & Anr. ...Respondents

Mr.T.J.Mendon for Appellants

CORAM: SHRI D.G. DESHPANDE &
SMT. ROSHAN DALVI, JJ.
DATE : 7TH NOVEMBER, 2006.

P.C.

1. Heard the learned Advocate for the Appellants/Petitioners.

2. Petitioners are the original claimants having filed claim Petition which was allowed by the impugned order of the Motor Accident Claim Tribunal dated 30th August, 2005. A compensation of Rs.15,52,000/- was awarded to four claimants. However, in para 9 of the impugned order the members of the Motor Accident Claim Tribunal directed that the amount payable to claimant Nos. 1 and 2 be deposited in Nationalised Bank for the period of 5 years and the Bank was directed not to allow any loan or advance to the present Petitioners who are original claimant nos.1 and 2.

3. It is this part of the order only that is challenged because there was no justification for the Tribunal to order deposit of the amount of the Petitioner Nos.1 and 2 because the Petitioner No. 1 is the widow of the deceased who died in the accident and Petitioner No.2 is the mother aged about 70 years.

4. However, notice was ordered to be issued to

Respondent No.2 by this Court on 30th October, 2006, because bhatta was not paid time was extended.

5. Counsel for the Appellant/Petitioner states that no notice to any other parties is necessary because he is not challenging the quantum or the findings. His only grievance is that the tribunal was not at all justified in ordering deposit of the amount in the Nationalised Bank coming to the share of the Petitioners/ original claimant Nos.1 and 2.

6. The grievance of the Appellants/Petitioners is well founded that the claimant nos.1 and 2 were major their compensation should have been paid to them directly and not ordered to be deposited. In any case Respondent No.2 has been served by the appellant's Advocate. The Appellants have produced the notice of Appeal sent to the Respondent No.2 dated 16th October, 2006 upon which the acknowledgment of the Respondent No.2 is there. It is taken on record and marked "X" for identification.

7. In view of the peculiar facts and circumstances at this stage appeal is taken up for final hearing and it is partly allowed. Paragraph no.9 of the impugned order from the operative part of the order is set aside. The amount of compensation falling to the share of Appellants 1 and 2 should be paid to them directly by the Tribunal.

8. Appeal disposed of. No order as to costs.

(SMT. ROSHAN DALVI, J.) (SHRI D.G. DESHPANDE, J.)